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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,395	05/24/2001	Norton Garfinkle	36985-888888	9202
26694	7590	08/11/2005	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 08/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/863,395	<b>Applicant(s)</b> GARFINKLE, NORTON	
	<b>Examiner</b> Annan Q. Shang	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/24/01:8/13/01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by **Durden et al (5,003,384)**.

As to claims 1-4, note the **Durden** reference figure 1, discloses set-top interface transactions in an impulse pay per view television and further discloses a method for delivering an on-demand content product from a head end to a plurality of remote users (Set top terminal 'STT' 15) in which each of the users interactively controls the product from a product record, including the steps of:

storing (IPPV Database IPPV-D-9) at the head end (Head end 'HE,' which includes: HC-5/M-6/System Manager SM-8/IPPV-D-9/ATX-10/IPPV-PP-18/IPPV-M-19, fig. 1 and col. 4, line 45-col. 5, line 33) the product (PPV content) in a random access memory;

storing in memory (Memory 'Mem' 6 and IPPV disk, col. 5, lines 12-29) an address of each user (Unique identifier or address of STT-15, col. 5, lines 30-50 and col. 6, lines 43-52) associatively with an identifier code of the content product (IPPV IDs,

access code and service code, col. 5, lines 18-27 and lines 51-55) and a use limit value (col. 6, lines 22-33 and col. 7, lines 14-31);

addressing (Host Computer 'HC' 5 or Billing Computer, col. 7, line 6-col. 8, line 1+) the random access memory in a sequence respectively dictated by control signals generated by each of the plurality of users (STT-15) in order to generate a data stream of the product particularized to interactive control signals generated by each of the plurality of users including control signals to stop and start the data stream (col. 7, lines 22-28), note that HC-5 sends commands to SM-8 in response to commands received from the addressable STTs-15 (col. 7, lines 6-28), and

transmitting (SM-8, col. 7, lines 28-col. 8, line 1+) the data stream (IPPV content) to each of the plurality of users (STTs-15) and blocking transmission of the data stream to a user when the use limit value stored in the storing step is reached or exceeded (col. 10, lines 4-43, col. 11, lines 17-56 and col. 12, lines 36-67), note that SM-8 sets up an elapsed time limit for each STT upon which data transmission to the STT 15 is blocked once the time STT-15 reaches the time limit (col. 11, lines 17-56 and col. 12, lines 36-67).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lightfoot et al (5,917,537) disclose level 1 gateway for video dial tone networks.

LaJoie et al (5,850,218) disclose inter-active program guide with default selection control.

Johnson et al (5,001,554) disclose terminal authorization method.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



**Annan Q. Shang.**



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